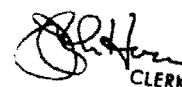


FILED

AUG 22 2013


CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

METZ FARMS, a Partnership,

Plaintiff,

vs.

FISHER SAND & GRAVEL CO.,
a North Dakota Corporation,

Defendant.

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CIV 12-4005

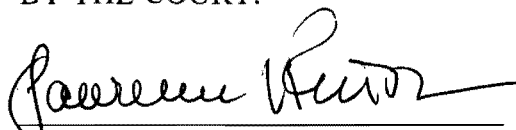
ORDER OF DISMISSAL

The Court has been advised that the case has been settled. Accordingly,

IT IS ORDERED that this action is hereby dismissed without costs and with prejudice, each party to pay their own costs. Any party, on good cause shown on or before September 20, 2013, may move to vacate this Order of Dismissal and reopen this action if settlement is not consummated. The Court also retains ancillary jurisdiction to enforce all settlement agreements entered into by the parties and their representatives. *See Harris v. Arkansas State Highway and Transp. Dep't*, 437 F.3d 749 (8th Cir. 2006).

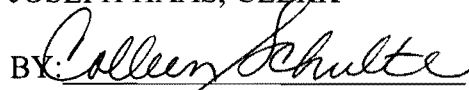
Dated this 22nd day of August, 2013.

BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: 
Deputy